



February 4, 2024

**VIA ECF**

Hon. Joanna Seybert  
United States District Court  
100 Federal Plaza  
Central Islip, New York 11722

Re: *Milau v. Suffolk County, et al.*  
17 Civ. 6061 (JS)

Dear Judge Seybert,

I represent the plaintiff, Brett Milau, in the above-referenced matter. I write to update the Court on the status of re-briefing Defendants' motion for summary judgment.

By way of background, this action was commenced in 2017; Defendants' Motion for Summary Judgment was fully briefed and submitted to the Court on July 1, 2020.

Exactly one year later, and on July 1, 2021, the Court ordered Suffolk County to file an exhibit referenced in its motion but not filed with the Court ("Exhibit A") on or before July 9, 2021.

On April 27, 2023, the Court referred Defendants' Summary Judgment Motion [ECF No. 35] to Magistrate Judge Locke for a report and recommendation.

On May 10, 2023, the Court ordered the parties to re-brief Defendants' motion in light of the decision issued in *NYSRPA v. Bruen*; Defendants' motion was terminated from the docket.

On June 2, 2023, Defendants filed a letter motion requesting the Court delay the filing of *re-briefed* motions in light of the Supreme Court's decision in *NYSRPA v. Bruen* [ECF Text Order May 10, 2023; ECF No. 39], which was opposed by Plaintiff. [ECF No. 40].

On June 8, 2023, this Court granted Defendants' motion [ECF Text Order June 8, 2023] and required them to file a re-briefed motion for summary judgment within 30 days of a decision from the Second Circuit in either *Antonyuk* or *Giambalvo*, whichever came first.

On December 7, 2023, the Second Circuit issued its decision in *Antonyuk*.

On December 12, 2023, the undersigned emailed Defendants' counsel and provided the text of this Court's May 10, 2023 Text Order to remind counsel of Defendants' re-briefing requirement.

Defendants' re-briefed Motion for Summary Judgment was due on January 8, 2024. No motion has been served to date.

On February 4, 2024, the undersigned served a Notice of Motion, Memorandum of Law, Local Rule 56.1 Statement, and Declaration of Amy L. Bellantoni with annexed exhibits on counsel for Defendants and counsel of record, Arlene Zwilling. Plaintiff's Motion for Summary Judgment addresses the opinions in *Bruen* and *Antonyuk*, to the extent relevant to the claims and defenses in this litigation.

Consistent with this Court's "bundling rule," Plaintiff's motion will not be filed with the Court on ECF until the entire motion has been briefed, which is set for February 27, 2024 consistent with Local Rule 6.1.

Very truly yours,

*Amy L. Bellantoni*  
Amy L. Bellantoni